

00-*p*-0693

(Do Not Write Above This Line)

A RESOLUTION AUTHORIZING THE MAYOR, ACTING ON BEHALF OF THE CITY, TO EXECUTE A CONSENT ORDER ISSUED BY THE ENVIRONMENTAL PROTECTION DIVISION FOR OVERFLOWS OF THE SANITARY SEWER SYSTEM INTO STATE WATER BETWEEN MARCH 23 THROUGH DECEMBER 19, 1999 FOR \$78,000.

ADOPTED BY  
MAY 15 2000  
COUNCIL

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee Utility Committee  
Date May 9, 2000  
Chair \_\_\_\_\_  
Referred to \_\_\_\_\_

Committee

City Utilities

Date

5-9-2000

Chair

Clair Muller

Action:

Fav, Adv, Hold (see rev. side)

Other:

Receiv. of list of 5 pills

Members

De. N. Carly

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED

MAY 15 2000

De. M. Starns  
COUNCIL PRESIDENT PROTEM

CERTIFIED  
MAY 15 2000

Paul  
DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAY 23 2000

Paul  
MAYOR



CLERK OF COUNCIL  
CITY OF ATLANTA

00-*R*-0693

A RESOLUTION BY:

CITY UTILITIES COMMITTEE

A RESOLUTION TO AUTHORIZE THE MAYOR, ACTING ON BEHALF OF THE CITY, TO EXECUTE A CONSENT ORDER ISSUED BY THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA COVERING THE OVERFLOWS OF THE SANITARY SEWER SYSTEM INTO THE WATERS OF THE STATE BETWEEN THE PERIOD OF MARCH 23 THROUGH DECEMBER 19, 1999. HEREINAFTER SPECIFIED; TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO ISSUE A CHECK IN THE AMOUNT OF \$78,000.00 PAYABLE TO THE ENVIRONMENTAL PROTECTION DIVISION FOR THE FINES LEVIED AGAINST THE CITY BECAUSE OF THESE SANITARY SEWER OVERFLOW, TO IDENTIFY THE SOURCE OF FUNDING AND FOR OTHER PURPOSES.

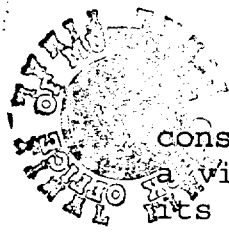
WHEREAS, investigation by the Georgia Environmental Protection Division (hereinafter the "EPD") documented that a discharge of the raw sewage from the City of Atlanta (Hereinafter the "City") sanitary sewer lines, occurred between March 23 through December 19, 1999 and resulted in a discharge of raw sewage into State waters; and

WHEREAS, the Department of Public works of the City does not dispute the fact that this discharge to the waters of the State did occur; and

WHEREAS, the Georgia Water Quality Control Act (Section 12-5-29(a) et seq of the Official Code of Georgia) holds the City strictly liable for such discharge from its sanitary sewer system; and

WHEREAS, the Director of the EPD, pursuant to Section 12-5-52(a) of the Official Code of Georgia, has ordered the City to pay to the Georgia Department of Natural Resources the sum of \$78,000.00 for the overflow of raw sewage from the sanitary sewer system, which occurred between March 23 through December 19, 1999.

WHEREAS, the execution of this consent order and the payment to EPD of this assessment by the City does not



constitute a finding adjudication, is not to be evidence of a violation of State law by the City, nor does the City by its consent agree to any violations of State Laws or admit any liability to any third party or parties; and

**WHEREAS**, funds for these purposes are available in account number 2J01-529017-T31001: and

**WHEREAS**, it is deemed to be in the interest of the City to enter into the proposed consent order issued by the EPD and to pay the incident assessments to them for NPDES permit violations and spills which occurred during the period of March 23, 1999 through December 19, 1999.

**NOW, THEREFORE, BE AND IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:**

**Section One:** That the Mayor, acting on behalf of the City, is authorized to execute a Consent order issued by the EPD covering this incident of discharge of raw sewage from the City sewer line to waters of the State covering the herein described incidents.

**Section Two:** That the Chief Financial Officer of the City is authorized to issue a check in the amount of \$78,000 in favor of the Georgia Department of Natural Resources for the purposes described herein, chargeable to Account Number 2J01-529017-T31001.

A true copy,

*Reonda Daughin Johnson*  
Municipal Clerk, CMC

**ADOPTED by the Council**  
**APPROVED by the Mayor**

May 15, 2000  
May 23, 2000

**CONDITION FOR APPROVAL FORM**  
(TO ACCOMPANY LEGISLATION)

COMMITTEE: City Utilities

DATE: 5-9-00

ORDINANCE # \_\_\_\_\_ RESOLUTION # 00-R-0693

REQUESTED BY: Councilmember Morris

DIRECTED TO: DAVID PETERS

**NATURE OF CONDITION FOR APPROVAL:**

Reduce the number of spills that  
occurred between 3/23/99 and 12/19/99

**WHEN IS THIS INFORMATION DUE, AND TO WHOM?**

ASAP, Committee Staff

**WILL THIS RESULT IN AN AMENDMENT TO THE LEGISLATION?**

YES ( ) NO (X)

**WILL THIS RESULT IN A SUBSTITUTE TO THE LEGISLATION?**

YES ( ) NO (X)

**HAS THIS INFORMATION BEEN RECEIVED? YES (X) NO ( )**

DATE OF RECEIPT: 5-15-00

RCS# 1977  
5/15/00  
6:57 PM

Atlanta City Council

Regular Session

00-R-0693

EXECUTE A CONSENT ORDER ISSUED BY THE  
EPD; CONVERING OVERFLOWS/SANITARY SEWER  
ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 0

Y McCarty	NV Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	NV Emmons
Y Bond	Y Morris	NV Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	Y Pitts

00-R-0693